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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,870	12/05/2005	Takamasa Iwaki	1083-9	6383

EXAMINER
NGUYEN, SON T

ART UNIT	PAPER NUMBER
3643	

MAIL DATE	DELIVERY MODE
10/30/2007	PAPER

7590 10/30/2007  
Jack Schwartz & Associates  
Suite 1510  
1350 Broadway  
New York, NY 10018

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/539,870

Applicant(s)

IWAKI ET AL.

Examiner

Son T. Nguyen

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

SON T. NGUYEN  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4,6-7,9-10,12** are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (5819688).

For claims 1-2,6, Walker teaches a small animal rearing cage 20,22 for housing and rearing small animals, said small animal rearing cage comprising: a rearing box having a floor 22 and a wall 20 provided at a circumference of said floor; a floor mat M laid in a small animals rearing cage for housing and rearing small animals, said floor mat is a sheet comprising a temperature holding property to a degree that can keep the body temperature of said small animals (the material used in Walker is the same material used in applicant, thus, the Walker material has temperature holding property; also, the mat of Walker can be an insulation to the animal laid thereon), a flexibility to a degree that can wrap the body of said small animals (col. 5, line 36, "pliable" and col. 6, lines 5-10, the mat can be folded, which is flexible to a degree to allow wrapping of the animal), and a size that covers at least the entire abdomen of said small animals (the mat covers the whole container 20, therefore, a small animal laying thereon will be covered by the mat from head to toes).

For claims 3,9, Walker further teaches the sheet having water absorption property and deodorization property (col. 4, lines 45-55, col. 5, line 36).

For claims 4,10,12, Walker further teaches the sheet having tearing resistance (col. 5, lines 36, "strength").

For claim 7, Walker teaches that the mat is pliable and can be or capable of being folded if one wishes to do so.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 5,8,11,13-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (as above) in view of Otsuji et al. (2001/0009142).

For claims 5,14,16,17, Walker teaches cellulose material formed into a shape of the sheet but is silent about an improved cellulose fabric wherein carboxyl group-introduced cellulose.

Otsuji et al. teach a floor mat 1 for used with animal cage or litter box, the mat is made out of cellulose material with acrylic acid (which is a carboxyl group) for enhance absorption property [0102]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a carboxyl group such as acrylic acid as taught by Otsuji et al. in the cellulose material of Walker, since it has been held

to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use (for increase water absorption property) as a matter of obvious choice. See *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945) and *In re Leshin*, 125 USPQ 416.

For claims 13,15,18,19, Walker as modified by Otsuji et al. is silent about wherein the improved cellulose fabric contains 40 to 140 millimole carboxyl group per 100 grams of dry fabric. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the improved cellulose fabric of Walker as modified by Otsuji et al. contains 40 to 140 millimole carboxyl group per 100 grams of dry fabric, since it has been held that where routine testing and general experimental conditions are present, discovering the optimum or workable ranges until the desired effect is achieved involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

5. **Claims 8,11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (as above).

Walker states in col. 4, lines 30-34, that the mat can be any shape and size. However, Walker does not specifically state that the floor mat is a sheet larger in size than the floor area of said rearing box. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the mat of Walker with a dimension that is larger in size than the floor area of the rearing box in order to prevent urine or the like to reach the bottom of the rearing box. *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739, 1740, 82 USPQ2d 1385, 1395, 1396 (2007).

***Response to Arguments***

6. Applicant's arguments filed 10/18/07 have been fully considered but they are not persuasive. The arguments appeared to be the same as those already addressed in the final rejection mailed on 7/18/07, thus, will not be repeated herein.

***Conclusion***

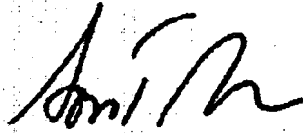
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Son T. Nguyen', is positioned above the printed name.

Son T. Nguyen  
Primary Examiner  
AU 3643